

VZCZCXRO7701
RR RUEHCHI RUEHDT RUEHNH RUEHPB
DE RUEHHI #0667/01 0811006
ZNR UUUUU ZZH
R 221006Z MAR 06
FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC 1185
INFO RUEHHM/AMCONSUL HO CHI MINH CITY 0739
RUCNARF/ASEAN REGIONAL FORUM

UNCLAS SECTION 01 OF 07 HANOI 000667

SIPDIS

SIPDIS
SENSITIVE

STATE FOR DRL AND EAP/MLS

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [VM](#)
SUBJECT: U.S.-VIETNAM HUMAN RIGHTS DIALOGUE: AFTERNOON
SESSION

HANOI 00000667 001.2 OF 007

Continuation of Morning Session

11. (SBU) In an agreed continuation of the morning session on religious freedom and ethnic minority affairs of the February 20 U.S.-Vietnam Human Rights Dialogue, before beginning the afternoon schedule, Ambassador at Large for International Religious Freedom John Hanford presented the GVN side with a copy of a recently released Time Magazine article entitled "Police Raids Show Vietnam Still Fears Illegal Religion." Ambassador Hanford said that while he cannot comment on the credibility of the sources for the article, it raises several of the points he wants to highlight. The article mentions the progress Vietnam has made in protecting religious freedom, a point Ambassador Hanford also stressed. There are, however, areas for further improvement.

12. (SBU) First, he said, Vietnam should improve the rate and consistency with which it registers and recognizes new congregations and churches. In recent months, he acknowledged, the GVN has recognized some congregations and registered many new churches. However, many churches and other places of worship have faced long delays or have been turned down without adequate explanation. In particular, Ambassador Hanford said, the pace of recognition and registration of churches is slowest in provinces in the Northwest Highlands, such as Ha Giang Province, singled out in the Time Magazine article. One of the positive points in the Vietnamese legal framework on religion is the deadlines for official action on applications for recognition and registration, but some local officials are not honoring those deadlines. The GVN should consider streamlining procedures and paperwork for registration and recognition, and thoroughly explain the reasons for rejecting any application. It would be particularly useful, he added, if the GVN could provide in a few months time a breakdown of the numbers of successful and unsuccessful registrations, disaggregated by province and containing reasons for the rejection of unsuccessful applications.

13. (SBU) Second, the GVN needs to work on educating local authorities to properly enforce the law. The changes in the legal framework have begun to contribute to the expansion of religious freedom and benefit religious practitioners. Despite this progress, Ambassador Hanford said, his office continues to receive credible reports of church closings, obstruction of worship services and pressure on believers to renounce their faith, particularly in the Central and Northwest Highlands. In some areas, he said, particularly the Northwest Highlands, local authorities have rejected

applications for registration and then used the information contained in the applications to suppress those groups and harass individual members. Ambassador Hanford took note of improvements in the Northwest Highlands, noting that as recently as one year ago Ambassador Marine reported that local officials in Ha Giang Province stated that there are no religious believers at all in Ha Giang. He stressed that the USG does not believe that this is the result of the GVN's unwillingness to implement the new framework on religion, but instead demonstrates the need for continued efforts to educate local officials. The USG is heartened, he stated, by Deputy Director General of the Department of External Relations of the Committee on Religious Affairs Nguyen Thi Bach Tuyet's description of vigorous efforts to train local officials. The USG respects the territorial integrity of Vietnam and does not defend groups who lack peaceful intentions. The USG's concern is for sincere religious believers who simply seek to practice their faith and in the past have been suppressed.

14. (SBU) The Time article is illustrative, Ambassador Hanford continued. The article gives credit to Vietnam, mentioning the ordination of new priests and the GVN's permission for Thich Nhat Hang to return to Vietnam with his entourage. Specifically, he quoted the article's statement that "the days when the Communist Party suppressed general religious practice in Vietnam are long gone, and millions worship freely in Vietnam." However, the problems cited in the article are the same problems that have been reported to the Office of Religious Freedom in the State Department. The chief of police in Tung Ba Commune in Ha Giang Province, according to the article, is forcing people to stop practicing religion there "because it is illegal." He is quoted saying that he caught 20 people "red handed illegally singing." Believers say that when they were caught singing, the police beat them; the police claim they only fined the singers. The Protestant leaders there claim that they are

HANOI 00000667 002.2 OF 007

members of the Evangelical Church of Vietnam (North) but that the local government will not recognize new congregations. And finally, it reports an old police practice more common several years ago, which is the practice of billeting officials in the homes of local believers to keep them quiet. The article admits that it is "unclear" if the Ha Giang crackdown was ordered by Hanoi or was the brainchild of an overzealous local Communist Party organization, but it adds that fear of ethnic minority unrest is also a concern. These problems may fundamentally be caused by poor implementation and awareness of the law at the local level, Ambassador Hanford concluded, but the USG calls on the GVN to ensure that implementation of Vietnam's legal framework for the protection of religion is uniform across Vietnam.

15. (SBU) Ambassador Hanford also urged the GVN to respond "promptly and firmly" to reports of violations of religious freedom, such as those alleged in the Time article. Individuals must be held accountable, he added, including those listed in the article as violating religious freedom, if the article is found to be accurate. This would send the clear message that the GVN is standing by its public pronouncements, he said.

16. (SBU) The third issue the article touches on is Vietnam's efforts to release prisoners of concern imprisoned for expression of their religious beliefs. These efforts have been very impressive, Ambassador Hanford said, noting that only the case of Ma Van Be remains on the U.S. list. The United States remains concerned about the continuing house and pagoda arrest of some individuals, and restrictions on the right to travel of some others, including Thich Quang Do, recently detained for trying to visit Buddhist patriarch Thich Huyen Quang. The United States asks the GVN to end travel restrictions and surveillance on individuals "for the practice of their faith," and instead ensure that they have

the same rights as any Vietnamese citizen.

¶17. (SBU) Over the past months, Ambassador Hanford stressed, the GVN has made remarkable progress on religious freedom, which Ambassador Hanford has expressed publicly to "doubters" in the United States. Just as progress on religious freedom helped to pave the way for a successful visit by PM Phan Van Khai to the United States in June of 2005, Ambassador Hanford said, continued progress will provide a more solid basis for a successful visit by President Bush, as well as an improved environment for continued bilateral relations and Vietnamese engagement with the international community.

¶18. (SBU) Vietnam's delegation's leader, Ministry of Foreign Affairs International Organizations Department Director General Pham Binh Minh, thanked Ambassador Hanford for his positive assessment of GVN actions, and repeated Vice Foreign Minister Le Van Bang's earlier statement that the GVN is making many efforts to ensure that Vietnamese citizens have all their religious rights. This effort, he stressed, is taken not because of any external pressure but because the GVN wishes to truly guarantee the rights that all Vietnamese citizens are entitled to. To that end, the GVN will "continue to redouble its efforts to perfect the legal system and do its best to ensure that all officials strictly implement the documents and regulations on religious freedom." Regarding the article, DG Minh said that the GVN will "verify, objectively and in due course," the information it contains, and does not want to admit or reject anything in it now. He said the two sides are in agreement that considerable progress has been made since Ambassador Hanford's last visit.

¶19. (SBU) Deputy DG Nguyen Thi Bach Tuyet from the Committee on Religious Affairs said that the CRA is making "many efforts" to increase the awareness of local authorities of the documents on religious freedom in Vietnam. The Time article needs to be verified, she said, but based on the CRA's recent unsatisfactory visit to Ha Giang (where the local authorities repeated the statement to the CRA delegation that there are no believers in Ha Giang, a statement the CRA acknowledges is untrue) the article's description of the local authorities' behavior "might be true." If Vietnam were too perfect, she joked, there would be no reason to have a dialogue on human rights. Supreme People's Procuracy Deputy DG Nghiem Quang Xuyen said that if the article is true, some of the officials mentioned could face criminal charges.

¶10. (SBU) Significant progress has been made in the Central

HANOI 00000667 003.2 OF 007

Highlands in the past 18 months, DDG Tuyet continued, and now the CRA is focused on the Northwest Highlands provinces. The CRA hopes to be able to report significant progress there, too. "There is a saying that Moscow was not built in a day," Tuyet said seriously, "and so we hope you will show patience."

¶11. (SBU) Responding to an earlier inquiry about church burnings in Alabama, Ambassador Hanford stated that those attacks are thoroughly investigated, and the perpetrators severely punished. Sometimes, he said, the attacks occur not for religious reasons but for ethnic or racial ones. These crimes are just as serious, and also against the law.

¶12. (SBU) Deputy DG of the Department of External Relations of the Committee for Ethnic Affairs Hoang Van Phan circulated a pamphlet highlighting the situation for ethnic minorities in Vietnam, and identified specific GVN policies and accomplishments that showed Vietnam's positive treatment of its ethnic minority population. The State of Vietnam, he pointed out several times, guarantees rights to all people, including ethnic minorities. He enumerated many of those rights, which amounted to a recitation of the Vietnamese

Constitution. He pointed out that the representation of ethnic minorities in the National Assembly is actually higher in percentage terms than their representation in the population at large, and drew attention to several huge nationwide infrastructure-building and antipoverty projects that focus heavily on minority-populated areas, citing extensive statistics on Vietnam's successful infrastructure development and poverty alleviation efforts. (He did not comment on the fact that antipoverty and infrastructure development programs by definition focus on districts with high minority populations in Vietnam, because ethnic minorities are by far more likely to live in high-poverty districts than majority ethnic Kinh populations.) He concluded his presentation with a request for "support and assistance" from the United States for ethnic minority development. Ambassador Marine replied that the United States is considering a package of assistance, and will be presenting it for discussion with the GVN soon.

¶13. (SBU) Ambassador Hanford said the USG understands that the issue of ethnic minority relations is sensitive for the GVN, and that Vietnam has more than 50 ethnic groups. Of special interest to the United States is the matter of access to those groups, particularly those in the Central Highlands who have returned to Vietnam after migrating to Cambodia. Ambassador Hanford said the USG greatly appreciates the GVN's willingness to permit access to these groups by U.S. diplomats, other country diplomats and officials from the UN High Commission on Refugees. There have been concerns that some of the returnees have faced mistreatment or detention on their return to the Central Highlands, Ambassador Hanford said. He urged the GVN to follow up with local authorities to ensure that the guarantees not to mistreat or detain returnees under the tripartite MOU among Vietnam, Cambodia and UNHCR are respected. Ambassador Hanford further noted that the U.S. commitment to defend the rights of minority populations is global; for example, the United States has urged Cambodia to respect the rights of Vietnamese minority residents.

¶14. (SBU) DG Minh asked that the United States consider the cases of a number of ethnic minorities in the Central Highlands who have requested resettlement in the United States but have not been able to complete the necessary visa procedures. He said that authorities in Dak Lak have recently issued 43 passports to willing travelers, Dak Nong has issued 13 and Lam Dong has issued 145. These are cases that have not yet been addressed by the United States, Minh said. Ambassador Marine thanked Minh for the GVN's efforts to issue travel documents to the family members of refugees admitted to the United States for resettlement, and pledged to review specific cases as soon as the GVN can provide more detailed information. In all, he noted, there are 750 people eligible to rejoin their family members in the United States, and the USG hopes to see their relocation completed as soon as possible.

National Security and Human Rights

¶15. (SBU) DG Minh opened the session on national security and human rights with a plea for the USG to make a special effort to understand Vietnam's particular historical context when evaluating its human rights record. "For a long time," he said, "national security has been the paramount issue for

HANOI 00000667 004.2 OF 007

¶16. (SBU) Supreme People's Procuracy DDG Xuyen explained that the SPP has the right to set the time of detention of criminal suspects and to order investigation, and is the only agency with the right to bring charges against suspects. Without the approval of the SPP, no Vietnamese citizen can be arrested or detained during the investigation period. With this in mind, the SPP "tries to minimize" cases where "preventive measures are applied" (read: individuals arrested and detained) but the defendants are found not guilty or the cases are not pursued. Fifteen of

the 344 articles in the Vietnamese Criminal Code deal with national security, he said, of which three are violent crimes: rebellion, banditry and terrorism. The SPP is currently considering the case of Nguyen Huu Chanh, who lives in the United States. Chanh is wanted in Vietnam for terrorist activities, Xuyen explained, and Vietnam would like assurances that the United States will cooperate with Vietnam to extradite him or compel him to return to Vietnam to stand trial if there is sufficient evidence to warrant such an action. Xuyen additionally declared that all of the prisoners of concern identified by the United States in Vietnam have been charged, tried and convicted of offenses under Vietnam's criminal code.

¶17. (SBU) Deputy Director General of the Supreme People's Court (SPC) asked how the United States could reconcile the Patriot Act, with its provisions limiting civil liberties, with its statements urging other countries to consider human rights over national security.

¶18. (SBU) A/S Lowenkron responded to DDG Xuyen that if he is correct that all of the persons of concern on the U.S. list have violated the criminal code, then the criminal code itself is a problem. The criminal code lacks precision, containing provisions such as "National Security Crimes" that are so vague as to allow the State to prosecute nearly anyone. Due process is also a problem, A/S Lowenkron said, noting that from rights to an attorney to the right to face one's accuser to the right of appeal, due process needs to be critically addressed in Vietnam. Reforming the criminal code, as Vietnam has said it is doing, is a positive step, he said. The phrase "National Security Crimes" should be narrowed to prevent abuse.

¶19. (SBU) Regarding the Patriot Act, A/S Lowenkron noted that the Patriot Act was passed after lengthy public debate in Congress and heavy coverage in our free press and is subject to review by the independent judiciary. The United States has faced many similar crises in past wars, and has met them by debating necessary national security decisions openly and transparently. This, he said, is the best guarantee against abuse by the state. In the United States, the debate is full and diverse, including intra-party as well as inter-party discussions. Vietnam must decide for itself what is national security and what is freedom. The more confident and secure a nation is, the more confident it can be to open its system. For decades, he noted, other countries have fought to determine Vietnam's future, but now only Vietnam determines Vietnam's future. Advances in human rights and openness support Vietnam's economic reform policies and demonstrate both the resilience and independence of a free Vietnam, he concluded. Ambassador Marine added that on the subject of Nguyen Huu Chanh, the United States and Vietnam have been in discussions on the topic and we are willing to work with Vietnam to develop an appropriate response considering the evidence. We are considering appropriate next steps on this issue, and will be in touch soon, he said.

Freedom of the Press and Internet Freedom

¶20. (SBU) Assistant Secretary Lowenkron said he has heard that the National Assembly is considering a new Press Law, and hopes that a new law will reduce both official censorship and self-censorship. The current press laws are too broad, he stated, and allow anyone to be prosecuted,

HANOI 00000667 005.2 OF 007

thus opening up the possibility of abuse. The Internet is also an area where Vietnam should embrace freedom. The United States is ready to work with Vietnam on controlling Internet problems, but only those that concern crime, terrorism, violence and sabotage of computer networks. Outside of those areas, the United States believes in Internet freedom, an issue affecting not just Vietnam but

many other countries as well. Vietnamese citizens should have the freedom to use the internet for peaceful purposes, including political ones, without fearing arrest, A/S Lowenkron declared. With this in mind, he again raised the issue of imprisoned dissident Pham Hong Son. "Congress and the American people cannot understand imprisoning someone for translating and forwarding a U.S. document," he said. A/S Lowenkron identified the November 2006 APEC meetings as an opportunity for Vietnam to either highlight its openness and development, or be subject to criticism from frustrated journalists who find themselves unable to access blocked Internet sites.

¶21. (SBU) A/S Lowenkron identified a specific list of USG requests related to Internet freedom, including: relaxing restrictions on Internet usage; eliminating the requirement that cybercafes register the personal information of customers; releasing those who have been imprisoned for expressing peaceful political views; recognizing increased Internet access and usage as an improvement of human rights in Vietnam; and, seeing the Internet as a way to promote investment and trade in Vietnam and allow Vietnam to compete effectively in a globalized world.

¶22. (SBU) Deputy Director Nguyen Tri Dung of the Ministry of Culture and Information's Department of the Press, who spent much of the day's sessions tapping ostentatiously on the GVN delegation's only laptop computer, read the official GVN response from a roughly mimeographed sheaf of papers. The GVN attaches great importance to freedom of the press and freedom of speech, he intoned, which are fundamental rights of the Vietnamese people and guaranteed under Article 69 of the Constitution. The GVN is trying to implement freedom of speech and freedom of the press, he continued, especially in the development of common strategies and policies for national development. Vietnamese newspapers, he said, are not censored before being printed or published. As evidence of Vietnam's press freedom, he cited the rapid increase in the number of media outlets in TV, radio, newspaper and Internet channels. The advance of technology is increasingly meeting the information needs of the Vietnamese people, he added.

¶23. (SBU) However, the Internet is new in Vietnam, he said. In contrast to the United States, which has had the Internet for more than 40 years, Vietnam was only connected to the Internet in 1997, and then access was limited to scientists. It was not until 2002-2003 that Vietnam began to see widespread Internet access; now, however, Vietnam boasts more than 2.9 million Internet subscribers and more than 10 million users. Vietnam, he boasted, is "second in the world in the percentage of the population using the Internet and telecommunication devices." (Note: Not likely. End Note.) Dung further elaborated on the specific numbers of schools connected to the Internet at all levels of education. This, he said, illustrated the dual nature of the Internet: on one side of the coin, the Internet brings advantages to people, but on the other, it brings disadvantages, particularly to children. Protecting children from the evils of the Internet, particularly online games, pornography and violent sites, is the reason for Vietnam's regulation of the Internet. The Ministry of Culture receives "tens of thousands" of letters from concerned parents regarding the harm the Internet causes their children, and there have been reports of children quitting school to spend their time playing online games and surfing the Internet from cafes.

¶24. (SBU) Vietnam is aware, Dung continued, of the need for an "information society" built on the twin pillars of information and communication. This is why Vietnam is promoting Internet usage. This process, however, is difficult for Vietnam and the GVN is in need of experience sharing, technical assistance and human resources development from the international community. The existing regulations on the Internet, Dung conceded, are just "circulars" which can easily be changed or amended. "It takes time to perfect the system," he said. DG Minh added that the press in Vietnam plays a valuable role in ferreting

out corruption, and as a result a number of officials, including high officials, have been arrested and prosecuted.

HANOI 00000667 006.2 OF 007

¶25. (SBU) A/S Lowenkron acknowledged that the growth in the number of media outlets in Vietnam is positive, but said that the issue is not the amount of programming available but what that programming is. Vietnam could and should stop blocking Radio Free Asia, both the radio signal and the website. Vietnamese domestic Internet demand represents a thirst to enter a globalized world, he said. The United States and Vietnam can agree on protecting children from pornography and violence, but the prisoners of concern to the United States such as Pham Hong Son are not pornographers. This is an issue that will remain contentious, he predicted.

¶26. (SBU) DG Minh replied that Pham Hong Son was convicted of espionage under Article 80 of the criminal code, not for using the Internet. (Note: This is disingenuous. Son's Internet use provoked his arrest; his conviction on thinly supported espionage charges stemmed from that, though the Internet was not mentioned in the actual conviction. End Note.) A/S Lowenkron stated that on this subject, we disagree.

¶27. (SBU) Concluding the talks, DG Minh declared that the Dialogue was a success, allowing both sides to "share experiences, learn from each other and increase mutual understanding." We agree on a number of issues, and remain in disagreement on some others, he said. The GVN is willing to conduct further meetings and exchanges of views. A/S Lowenkron closed with an appeal to work hard on making this Dialogue "results oriented," noting that we would be ultimately judged not on the quantity of meetings we hold, but what those meetings produce.

¶28. (SBU) List of HRD participants:

United States

Assistant Secretary Barry F. Lowenkron
Ambassador John V. Hanford
Ambassador Michael W. Marine
Susan O'Sullivan, Senior Advisor DRL/PHD
Patricia Davis, National Security Council
Michael Orona, DRL
Clarissa Adamson, DRL/IRF
John Adams, Desk Officer MLS/VN
Marc Knapper, Political Counselor
Ben Moeling, Political Officer, Hanoi
Robert Silberstein, Political Officer, HCMC
Nate Jensen, Political Officer, Hanoi (control officer)

Vietnam

Mr. Pham Binh Minh, Director General, Department of International Organizations, Ministry of Foreign Affairs (MFA)

Mr. Nguyen Quang Thang, Director General, Department of Internal Affairs, Office of the Government

Mr. Tran Van Thanh, Deputy Director General, Department of Security Advisory, General Security Department, Ministry of Public Security

Mr. Hoang Van Phan, Deputy Director General, Department for External Relations, Committee for Ethnic Affairs

Mr. Nghiem Quang Xuyen, Deputy Director General, Department of Prosecution and Investigation of Security Violations,

Supreme People's Procuracy

Mr. Ngo Cuong, Deputy Director General, Judicial Science
Institute, Supreme People's Court

Mr. Nguyen Tri Dzung, Deputy Director General, Press
Department, Ministry of Culture and Information

Mr. Nguyen Van Ninh, Deputy Director General, Prison
Management Department, Ministry of Public Security

Mr. Nguyen Ba Hung, Deputy Director General, Americas
Department, MFA

Ms. Nguyen Thi Bach Tuyet, Deputy Director General, External
Relations Department, Committee for Religious Affairs

HANOI 00000667 007.2 OF 007

Ms. Dang Hoang Oanh, Desk Officer, External Relations
Department, Ministry of Justice

Ms. Nguyen Thi Thu Quynh, Desk Officer, Department of
International Organizations, MFA

Ms. Hoang Thi Thanh Nga, Desk Officer, Americas Department,
MFA

Mr. Le Chi Dzung, Desk Officer, Americas Department, MFA

129. (U) A/S Lowenkron and Ambassador Hanford cleared this
message.

MARINE